JUDGE GRANTS SHIFT OF TRIAL FOR MARCELLO

9-14-67

Recent Publicity Cited by Heebe in Ruling

Federal District Judge Frederick J. R. Heebe, citing recent publicity from a Life magazine article and statements by Gov. John J. McKeithen, Wednesday granted Carlos Marcello's request to move his trial for allegedly assaulting an FBI officer.

The move caught Marcello's battery of lawyers, Jack Wasserman, Washington, D. C., Michael Maroun, Shreveport, and G. Wray Gill, by surprise —by Wasserman's own admission.

Moments before Heebe announced his decision, Wasserman had told the court: "We are not pressing the request for a change of venue; we know of no place where Mr. Marcello could receive a fair trial."

CONTINUANCE WANTED

Following the hearing, Wasserman was asked if the change of venue approval didn't surprise him. "It surely did," said Wasserman.

Wasserman told Judge Heebe that what was really being sought was a continuance of "four to five months."

Judge Heebe told the Marcello lawyers and U.S. Atty. Louis LaCour to submit three districts each—outside of Louisiana—in 10 days. "I'll make a decision where to transfer the case within 30 days," said Judge Heebe, "though I reserve the right not to accept any of the districts you submit."

Marcello sat alone on one side of the courtroom while Wasserman began arguments on the combined continuance and change of venue motion. After the quick hearing, a reporter

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asked Marcello if he were surprised at the decision. He replied gruffly, "no comment," and turned away.

CITES PUBLICITY

Wasserman told the court that he was deeply concerned about the adverse publicity that has followed Marcello since his arrest in New York State Dec. 22, 1966, for taking part in an "alleged Mafia meeting."

"In fact," said Wasserman, "he was arrested as a material witness; there was no crime.

"Then Mr. LaCour of the U. S. attorney's office said this proved there was organized crime in the area, saying that Mr. Marcello was there representing this area.

"This was followed by an editorial in the local paper, and by the Life magazine article. Then this week Gov. McKeithen said present laws can't deal with Mr. Marcello. The governor said also that Mr. Marcello was engaged in legitimate enterprise, but he still would like to get rid of him.

"In this atmosphere, we are seeking a continuance. We don't think we should be obliged to try this case in the atmosphere at this time. We are not pressing for a change of venue. The adverse publicity, I feel, may continue for some time."

ELECTION TIME

Wasserman added, "The adverse publicity has a way of coming just before an election; it was true in New York State and there is an election coming here in Louisiana in November."

Judge Heebe, in making his decision, said "I don't believe Mr. Marcello could get a fair trial here; I wouldn't attempt to say to what district the trial should be transferred, but certainly nowhere in either the Eastern or Western districts of Louisiana."

The Life magazine article more or less put the finger on the state of Louisiana and the article was probably read with feverish intensity in the state, Judge Heebe said. "There was quite a bit of interest in the article in my house; we read what we are interested in—things close to home.

"In addition, there were the statements by the governor. And I don't know that but what there won't be state government investigations because of the article."

LaCour agreed to the change of venue. "The government stands ready to try its case in any district; it doesn't matter," said LaCour.

Marcello will stand trial on a federal government charge that he allegedly struck at FBI agent Patrick J. Collins Jr. in New Orleans International Airport Sept. 30, 1966.